

Message Text

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ACTION L-02

INFO OCT-01 JUSE-00 ISO-00 EUR-12 RSC-01 SCS-03 SCA-01

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R 280954Z JAN 75

FM AMEMBASSY LONDON

TO SECSTATE WASHDC 7657

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E.O. 11652: N/A

TAGS: CASC, UK, US

SUBJECT: EXTRADITION TREATY

REF: (A) STATE 7339 AND (B) STATE 8937

1. ON JANUARY 16 EMBOFFS DISCUSSED REF. (A) WITH DIXON, HEAD, NATIONALITY AND TREATY DEPARTMENT, FCO. HE NON-COMMITTAL AT THAT TIME AND SAID HE WOULD DISCUSS SUBJECT WITH SIR NORMAN SKELHORN, DIRECTOR OF PUBLIC PROSECUTIONS (DPP).

2. ON JANUARY 24 DIXON ORALLY REQUESTED EMBASSY PROVIDE SALIENT POINTS CONTAINED REFTEL IN A LETTER TO HIM FROM CONSUL GENERAL.

3. EMBASSY PROPOSES SEND FOLLOWING TEXT TO DIXON:

"DEAR MR. DIXON: I REFER TO RECENT DISCUSSIONS THAT WE HAVE HAD WITH REGARD TO IMPLEMENTATION OF ARTICLE XIV(1) OF THE EXTRADITION TREATY OF 1972 WHICH, AS YOU KNOW, HAS NOT BEEN RATIFIED. IN CONNECTION WITH THE REPRESENTATION PROBLEM THAT HAS ARISEN I SHOULD LIKE TO ASSURE YOU THAT THE DEPARTMENT OF STATE LOOKS FORWARD TO HAVING H.M. DIRECTOR OF PUBLIC PROSECUTIONS REPRESENT THE UNITED STATES GOVERNMENT IN ALL FUTURE REQUESTS FOR EXTRADITION IN FEDERAL AS WELL AS IN

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STATE CASES.

"THE DEPARTMENT OF STATE HAS INFORMED THE EMBASSY THAT SINCE THERE IS NO TREATY REQUIRING THEM TO DO SO IT CANNOT GUARANTEE EXCLUSIVE USE OF DPP REPRESENTATION IN ALL INDIVIDUAL STATE CASES. HOWEVER, THE DEPARTMENT WILL USE ITS BEST EFFORTS TO PERSUADE STATES NOT TO RETAIN PRIVATE COUNSEL. THE DEPARTMENT BELIEVES THAT UNITED STATES FEDERAL INTEREST MUST BE DECISIVE IN THIS REGARD AND THAT, AS A PRACTICAL MATTER, STATES WILL USE DPP REPRESENTATION AT THE DEPARTMENT'S SUGGESTION.

"THE DEPARTMENT WOULD LIKE TO ELIMINATE ENTIRELY THE POSSIBILITY OF A STATE RESORTING TO THE USE OF PRIVATE COUNSEL. UNDER PRESENT CIRCUMSTANCES IT IS THOUGHT THAT USE OF PRIVATE COUNSEL MIGHT ONLY HAPPEN IN CASES OF POLICE TO POLICE PROVISIONAL ARREST CASES AND, IN AN EFFORT TO ELIMINATE THAT POSSIBILITY, THE EMBASSY SUGGESTS THAT H.M. HOME OFFICE MAY WISH TO ADVISE THE APPROPRIATE BRITISH POLICE AUTHORITIES THAT PROVISIONAL ARREST REQUESTS SHOULD BE ACTED UPON ONLY WHEN COMMUNICATED THROUGH DIPLOMATIC CHANNELS."

4. FYI: EMBOFF BELIEVES DIXON MAY BE HAVING DIFFICULT TIME CONVINCING SKELHORN TO CONTINUE DPP REPRESENTATION IN ABSENCE OF IRON-CLAD GUARANTEE OF DPP EXCLUSIVITY.

5. DEPARTMENT'S ADVICE REQUESTED. SPIERS

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Message Attributes

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Concepts: EXTRADITION, DIPLOMATIC NOTES
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Copy: SINGLE
Draft Date: 28 JAN 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: GolinoFR
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
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Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
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ISecure: 1
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Margaret P. Grafeld
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